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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,902	07/10/2003	Marc Pensis	PC23103A	1667
23913	7590	06/30/2005	EXAMINER	
PFIZER INC 150 EAST 42ND STREET 5TH FLOOR - STOP 49 NEW YORK, NY 10017-5612			RAEVIS, ROBERT R	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/616,902	Applicant(s) PENSIS ET AL.	
	Examiner Robert R. Raevis	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-3,7,8,6,11-13,16,19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by DeThomas et al.

As to claims 1,11,12,19,20, DeThomas et al teach a probe 15 holder, comprising: means to hold a probe 15 (either a portion of the vertical wall of container 13, or even the entire container 13), and blowers providing air to the contents of the container resulting in blowing air and powder scrubbing the probe. (See col. 3, lines 16-23) It is the providing of the air to the window that clears contaminants from the window.

As to claims 2,3, the blowers are in the container 13 which holds the probe, and the mesh 14 has many orifices near the probe detecting end.

As to claim 7, the volume below the mesh 14 is a manifold.

As to claims 8,6,21, apertures in mesh have a plurality of arrangements of apertures.

As to claim 13, the probe is securely placed in the wall of the container.

As to claim 16, the powder is processed, and material removed from the detecting portion of the probe contains moisture that would otherwise have been measured.

Claims 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeThomas.

DeThomas expresses drying/measuring in a "batch" (col. 3, line 29) process, but the written specification does not refer to a plurality of measurements.

As to claim 22, it would have been obvious to utilize the assembly of Figure 1 to provide for a plurality of batch dryings/measurements, as it is known that a plurality of batch processes will permit for a large quantity of material to be processed. A plurality of batch processes carried out in order (example, three batches in a row) necessarily results in a plurality of batches having measurements (the first and third batch), while the middle batch necessarily includes gas application during the second batch's drying stage.

As to claims 25, 26, it would have been obvious in DeThomas's "batch" process to fill the container with material while the blowers *are off* so that material will not fly out of the entry of the container during insertion, and then subsequently turning the blowers on and measuring. This is especially so as it is known to place material into a container via a top located lid.

Claims 4,5,9,10,13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeThomas et al as applied to claims 2,1,11 above, and further in view of McGowan et al.

As to claims 4,5,9,10,13,14,15, it would have been obvious to employ McGowan's flange52/bolt50/weld48(with attached sleeve) type coupling to connect DeThomas's probe to the container wall 13 because DeThoma's schematic connection between the probe 15 and container 13 is suggestive of any known (McGowan's) probe connection. McGowan teaches that flange coupling allow for secure probe connections to walls.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeThomas et al as applied to claim 16 above, and further in view of Applicant's Statement.

As to claim 17, Applicant describes (p. 1 of written specification) a need to determine moisture content of process material (pharmaceutical) in a dryer, but does not apply a probe.

As to claims 17 and 18, it would have been obvious to DeThomas's system to accurately measure the moisture of such material as DeThomas teaches that moisture of powder may accurately be determined by use of a probe.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeThomas et al as applied to claim 19 above, and further in view of McGowan et al and Applicant's Statement.

As to claims 23 and 24, it would have been obvious to employ McGowan's flange 52/bolt 50/weld 48 (with attached sleeve) type coupling to connect DeThomas's probe to the container wall 13 because DeThomas's schematic connection between the probe 15 and container 13 is suggestive of any known (McGowan's) probe connection. McGowan teaches that flange coupling allow for secure probe connections to walls. In addition, it would have been obvious to DeThomas's system to accurately measure the moisture of such material as DeThomas teaches that moisture of powder may accurately be determined by use of a probe.

Regarding Applicant's REMARKS, consider the following:

As to p. 6, last paragraph; DeThomas's system does provide gas to the probe, and the contaminants are removed as a result of the gas. The claims do not call for directing a pure (or even clean) gas against the probe. The claims do not call for providing only a gas against the probe. The claims do not call for providing gas to the probe from an external source. The claims simply call for providing a gas to the probe, gas of which in DeThomas also carries particles that scrub. The action of providing the gas in DeThomas results in clearing moisture/contaminants from the probe, as either the particles by themselves scrub, or in the alternative, both the particles and air remove moisture from the probe. The arguments are narrower than the claim subject matter.

As to p. 6, line 10 from last; moving gas does contact the probe, as evidenced by Figure 1's BLOWERS, mesh 14 and probe 21 orientations. The gas is blown through the mesh, and throughout the interior of the chamber. This is the nature of moving gas.

As to p. 6, lines 3-5 from last, the blowers move air, the moving air moves the particles, and both moving air and moving particles contact the probe. The path of the air is from the blowers to the probe.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 7am to 4pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROVTS

RAEVIS